

THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION

WOMEN'S HEALTH CENTER OF WEST VIRGINIA, *on behalf of itself, its staff, and its patients*; and DR. JOHN DOE, *on behalf of himself and his patients*,

*Plaintiffs,*

v.

ASHISH P. SHETH, *in his official capacity as President of the West Virginia Board of Medicine*; and MATTHEW CHRISTIANSEN, *in his official capacity as Secretary of the West Virginia Board of Medicine*,

*Defendants,*

and

THE STATE OF WEST VIRGINIA,

*Defendant-Intervenor.*

Civil Action No. 2:23-cv-00079

Hon. Irene C. Berger

**PLAINTIFFS' NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE**

Pursuant to Federal Rules of Civil Procedure 41(a)(1)(A)(i) and 41(a)(1)(B), Plaintiffs hereby provide notice of their dismissal of this action, without prejudice.

As Plaintiffs' filings in this case have detailed, after the West Virginia Legislature enacted House Bill 302 in September 2022, it was impossible for Plaintiff the Women's Health Center of West Virginia ("WHC") and its primary physician, Plaintiff Dr. John Doe, to continue providing any abortion care in West Virginia. Plaintiffs therefore brought this action and filed a motion for preliminary injunction so that they could resume providing care.

However, due to intervening professional obligations, Dr. Doe has now determined that he will not be able to resume providing abortion care in West Virginia at this time. In addition, the

other physician who provided abortion care at WHC up to two half-days per month prior to HB 302, as described in Plaintiffs' filings, is now no longer available for that role. Although these developments have not necessarily rendered this case moot, *see, e.g., City of Erie v. Pap's A.M.*, 529 U.S. 277, 287 (2000) (holding that an intent to resume a stated activity can be sufficient to demonstrate a live controversy), Plaintiffs have determined that it is in their best interests and the interests of judicial economy to voluntarily dismiss this case without prejudice at this time.

Dated: April 17, 2023

Respectfully submitted,

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